

## MILPERSMAN 1301-231

### ASSIGNMENT OF PERSONNEL WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV)

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References	(a) DoD Instruction 6485.01 of 17 Oct 06 (b) SECNAVINST 5300.30D (c) SECNAVINST 1850.4E (d) SECNAVINST 5211.5E
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1. **Policy.** Assignment policy for human immunodeficiency virus (HIV) infected personnel are governed by references (a) and (b). The procedures outlined herein ensure HIV infected personnel fill valid billets to the maximum extent feasible and protect the individual's confidentiality.

a. Navy servicemembers infected with HIV are precluded from overseas assignment or assignment to deployable units.

b. Military personnel who demonstrate no evidence of unfitting medical conditions associated with HIV infection shall be retained in the service unless some other reason for separation exists.

c. HIV infected service personnel whose fitness for continued Naval Service is called into question due to a condition that may constitute a disability shall be referred to the Disability Evaluation System (DES) under reference (c).

d. Assignment restrictions cannot be imposed on HIV infected servicemembers except as delineated by this article and by reference (b). Any proposed changes in assignment policy that affect HIV infected servicemembers as a group must be coordinated with Navy Personnel Command (NAVPERSCOM), Career Progression Department (PERS-8M) per reference (b).

2. **Confidentiality.** Maintaining the confidentiality of personnel who are infected with HIV is absolutely essential.

a. Correspondence, E-Mails, and verbal and telephone discussions regarding HIV infected personnel will be limited to the HIV infected member and personnel within NAVPERSCOM who have a demonstrated need to know in order to perform their duties and assign these personnel. Strict compliance with the provisions of the Privacy Act is required per reference (d).

b. All hard-copy correspondence regarding HIV positive personnel that contains names, Social Security Numbers, or other identifying information will be marked "SENSITIVE - FOR OFFICIAL USE ONLY" and hand carried and hand delivered to the addressee. Hard-copy correspondence containing personally identifiable information (PII) or protected health information (PHI) shall be handled and destroyed per DoD privacy directives.

c. All electronic correspondence (E-Mail) regarding HIV positive personnel which contains names, Social Security Numbers, or other identifying information, shall be digitally signed and PKI-encrypted.

3. **Assignment Limitations.** HIV positive members shall only be assigned to:

- Shore facilities in the continental United States (CONUS) or Hawaii
- Type 1 duty
- Units not normally programmed for deployment

HIV positive personnel shall **not** be assigned to the following unit identification codes (UICs) due to the likelihood of unit deployments:

- UIC 44939
- UIC 46662
- UIC 52839
- All DMEDS (deployable medical systems (DEPMEDS) units)
- Amphibious Construction Battalions (ACB)

4. **Assignment Procedures.** The Assistant Commander, Navy Personnel Command (ACNPC) for Career Progression (PERS-8), will coordinate policy and assignment for all HIV positive Navy

personnel. HIV positive members may **not** be assigned or reassigned without NAVPERSCOM (PERS-8M) approval.

a. Upon completion of the initial evaluation, newly infected HIV military personnel who demonstrate no evidence of unfitting medical conditions associated with HIV infection or treatment shall contact their detailer. The servicemember may need immediate reassignment to comply with reference (b), or may need assistance in rating conversion. Orders will be written per the assignment limitations outlined above.

b. Members who have already been identified as HIV positive and are approaching their projected rotation date (PRD) shall contact their detailer to negotiate appropriate orders.

(1) Assignment officers will consider reassignments if HIV positive personnel have been at a particular command in excess of 5 years, due to the possibility of breaches of confidentiality.

(2) Any questions regarding assignments should be referred to NAVPERSCOM (PERS-8M).

c. Officers will have their PRDs set per normal pipeline requirements.

## 5. Administrative Support and Reporting Requirements

a. NAVPERSCOM (PERS-8M) will establish and maintain off-line records as necessary to administer this program and respond to regular and ad hoc inquiries regarding HIV infected servicemembers. Any command inquiries regarding HIV infected personnel should be referred to NAVPERSCOM (PERS-8M) for coordination of the response.

b. NAVPERSCOM, Records/Data Maintenance Quality Division (PERS-33 Ad Hoc) will provide query support from existing military personnel systems to NAVPERSCOM (PERS-8M) as needed.

c. NAVPERSCOM, Career Management Department (PERS-4) divisions will assist NAVPERSCOM (PERS-8M) as required, to fulfill the requirements of the HIV Program in compliance with established policy as set forth by Secretary of the Navy (SECNAV) and Under Secretary of Defense for Personnel and Readiness (USD(P&R)).